

ENTERED

November 15, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

COMMUNITY LOAN SERVICING, LLC, §
§
Counter-Plaintiff, §
§
VS. § CIVIL ACTION NO. 7:21-cv-00132
§
MIGUEL ANGEL HERRERA §
GONZALEZ, §
§
Counter-Defendant. §

OPINION AND ORDER

The Court now considers Counter-Defendant's counsel Juan Angel Guerra's "Opposed Motion for Leave to File a Motion to Reconsider Sanctions"¹ and "Opposed Motion to Reconsider Sanctions."²

First, the Court contextualizes these motions. On May 25, 2021, Counter-Plaintiff Community Loan Servicing, LLC filed its motion for sanctions.³ On May 26th, the Court reminded Counter-Defendant's counsel Juan Angel Guerra of his June 15th response deadline and ordered Juan Angel Guerra to appear at a show cause hearing on July 20th.⁴ On July 7th, Counter-Plaintiff noted Juan Angel Guerra's failure to respond by June 15th.⁵ On July 19th, after 5:00 p.m., Juan Angel Guerra filed his motion for leave to file his late response and his response brief on the Court's docket.⁶ The Court held the July 20th hearing, heard Juan Angel Guerra's arguments, and

¹ Dkt. No. 41.

² Dkt. No. 42.

³ Dkt. No. 15.

⁴ Dkt. No. 17.

⁵ Dkt. No. 20.

⁶ Dkt. Nos. 21–22.

granted Counter-Plaintiff's motion for sanctions.⁷ On July 26th, the Court struck Juan Angel Guerra's overdue response brief but nevertheless granted him ten days to respond to the itemization of attorneys' fees and expenses prior to the Court assessing sanctions.⁸ Juan Angel Guerra filed another overdue response, together with his first motion to set aside sanctions.⁹ The Court's August 16th opinion and order thoroughly canvassed the issue of sanctions and Juan Angel Guerra's responses, rejected Mr. Guerra's motion to set aside sanctions and other arguments, and assessed \$26,415.96 in sanctions against Juan Angel Guerra.¹⁰ After Juan Angel Guerra failed to establish a payment plan as ordered, the Court entered its "Final Judgment on Sanctions" on September 8, 2021.¹¹

On October 6th, Juan Angel Guerra noticed an appeal to the United States Court of Appeals for the Fifth Circuit of the Court's final judgment on sanctions.¹² On November 5th, fifty-eight days after the Court's final judgment on sanctions, Juan Angel Guerra's counsel filed the instant motions for leave to file his motion to reconsider sanctions, and his opposed motion to reconsider sanctions.¹³ Although Juan Angel Guerra has filed a notice of appeal of the Court's final judgment,¹⁴ the Court does retain jurisdiction to entertain and deny Juan Angel Guerra's motion to reconsider sanctions.¹⁵ Furthermore, although the motions are opposed, the Court exercises its discretion to consider the motions now because they are easily resolved.¹⁶

⁷ See Minute Entry (July 20, 2021).

⁸ Dkt. No. 24.

⁹ Dkt. Nos. 26–27.

¹⁰ Dkt. No. 28.

¹¹ Dkt. No. 33.

¹² Dkt. No. 36.

¹³ Dkt. Nos. 41–42.

¹⁴ Dkt. No. 36.

¹⁵ See *Shepherd v. Int'l Paper Co.*, 372 F.3d 326, 329 (5th Cir. 2004).

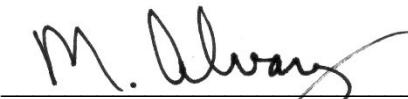
¹⁶ See LR7.8.

The present motions to reconsider are at least Juan Angel Guerra's *fourth* attempt to relitigate the issue of sanctions in this case. The Court has already heard and rejected (1) Juan Angel Guerra's July 19th motions for leave to file his late response and response brief regarding the issue of sanctions (2) Juan Angel Guerra's July 20th in-person arguments at the Court's show cause hearing, and (3) Juan Angel Guerra's August 10th motion to set aside sanctions and declaration regarding the amount of sanctions. Now, after the Federal Rule of Civil Procedure 59(e) deadline to challenge a judgment, Juan Angel Guerra once again seeks a different answer to the Court's opinions and judgment imposing sanctions.

The Court admonishes Juan Angel Guerra and his counsel Larry Warner that the issue of sanctions in this case has been resolved. The Court declines to repeatedly revisit the issue. Counsel will not obtain a different answer by importuning this Court. Juan Angel Guerra's two motions¹⁷ are **DENIED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 15th day of November 2021.



Micaela Alvarez
United States District Judge

¹⁷ Dkt. Nos. 41–42.